

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)
_____)

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO)
01-CV-12257-PBS AND 01-CV-339)
_____)

Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

**[PROPOSED] ORDER GRANTING PLAINTIFFS' EMERGENCY
MOTION FOR A PROTECTIVE ORDER**

THIS MATTER is before the Court on Plaintiffs' Emergency Motion for a Protective Order. The Court, having considered all pleadings in support and in opposition thereto, and being fully advised in the premises, hereby

GRANTS Plaintiffs' motion as follows: (i) No more than five third party depositions can occur in any single week; (ii) No more than two third party depositions can occur on any single day; (iii) Three weeks' notice of confirmation of a third party deposition must be given, consistent with CMO No. 10; and (iv) the depositions of Oxford and John Deere, presently scheduled for September 14 and September 17, respectively, are stayed pending further confirmation in accordance with the terms of this Order.

IT IS SO ORDERED.

DATED: _____

Hon. Marianne B. Bowler
Chief Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFFS' EMERGENCY MOTION FOR A PROTECTIVE ORDER** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on September 3, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By /s/ Steve W. Berman
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